



ORDERED in the Southern District of Florida on June 4, 2025.

Peter D. Russin

Peter D. Russin, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

In re:

Eliot Ivan Bernstein,

Debtor.

Case No. 25–14028–PDR

Chapter 13

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ORDER GRANTING AMENDED MOTION FOR STAY RELIEF

THIS MATTER came before the Court for hearing on June 2, 2025, upon the *Amended Motion for Stay Relief* (the "Motion") filed by Charles Revard, as Guardian of the Ward of Patricia Sahm (the "Secured Creditor"). ECF No. 19. The Court has reviewed the Motion, has heard the statements of the parties and is otherwise advised.

Pursuant to Fed. R. Civ. P. 52, as applied by Fed. R. Bankr. P. 7052 and 9014, and for the reasons stated on the record, which are incorporated herein by reference, the Court **FINDS AND CONCLUDES** as follows:

A. Findings of Fact.

1. The debtor in this bankruptcy case, Elion Ivan Bernstein (the "Debtor") resides at 2753 N.W. 34th Street, Boca Raton, Florida 33434 (the "Real Property"). The legal description of the Real Property is:

Lot 68, Block G, BOCA MEDERA UNIT 2, according the Plat thereof, recorded in Plat Book 32, Pages 59 through 60, of the Public Records of Palm Beach County, Florida.

2. The title-holder to the Real Property is non-debtor, Bernstein Family Realty, LLC.

3. The Secured Creditor is the holder of that certain *Final Judgment of Foreclosure* against Bernstein Family Realty, LLC (the "Judgment"), which Judgment was entered by the Circuit Court for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida (the "State Court") in Case No. 2018–CA–002317AXX (the "State Court Case").

4. On or about April 19, 2022, the Debtor encouraged his children to commence an involuntary bankruptcy case against Bernstein Family Realty, LLC in this Court, Case No. 22–13009–EPK. The Court determined that such bankruptcy case was filed improperly, and in bad faith, solely to prevent a scheduled foreclosure sale of the Real Property. The case was therefore dismissed with two years' prejudice.

5. On or about April 3, 2023, the Debtor filed a separate voluntary bankruptcy petition in his individual capacity, Case No. 23–12630–PDR, again in a bad faith effort to cancel a foreclosure sale of the Real Property. On or about April 14, 2023, the Court granted prospective stay relief such that, for two years, no voluntary or involuntary petition filed

under title 11 of the United States Code would operate as a stay of any act against the Real Property. The Court also dismissed the bankruptcy case.

6. On March 6, 2025, following almost two years of additional litigation, the State Court entered an order, *inter alia*: (a) striking all pending motions attacking the Judgment, and (b) sanctioning the Debtor, his State Court counsel, Ingar Garcia, Esq., and Bernstein Family Realty, LLC. The Debtor, Ms. Garcia and Bernstein Family Realty, LLC have each appealed the order to the District Court of Appeal of the State of Florida, Fourth District, Case Nos. 4D2025–0994, 4D2025–0996, and 4D2025–1033.

7. On March 7, 2025, the State Court directed its Clerk of Court to reschedule a foreclosure sale of the Real Property for April 14, 2025.

8. On April 14, 2025, the Debtor filed a voluntary petition for chapter 13 relief, initiating the above-captioned bankruptcy case (the "2025 Bankruptcy Case"). Thereafter, the Debtor filed a suggestion of bankruptcy with the State Court asserting that the automatic stay is in effect (the "Suggestion of Bankruptcy").

9. The Debtor filed the 2025 Bankruptcy Case as part of a continuing bad faith scheme to delay and hinder the Secured Creditor (and its predecessors in interest) with respect to enforcing the Judgment against the Real Property.

10. The Suggestion of Bankruptcy states in relevant part, "Pursuant to 11 U.S.C. § 362, an automatic stay is in effect, in which any pending proceedings may be stayed..." The Suggestion of Bankruptcy caused the State Court Clerk to terminate a foreclosure sale process regarding the Real Property after the Secured Creditor submitting the winning \$375,000 bid. The Court finds that the Suggestion of Bankruptcy was designed to mislead the State Court and/or the Clerk of the State Court into so terminating the foreclosure sale.

B. Conclusions of Law.

11. The Motion [ECF No. 19] is **GRANTED** as follows.

12. The automatic bankruptcy stay in 11 U.S.C. § 362(a) is **MODIFIED** so as to permit any and all litigation against and involving the Debtor in the State Court Case, Case No. 2018–CA–002317AXX, as well as any related appeals, including Case Nos. 4D2025–0994, 4D2025–0996, and 4D2025–1033 pending in the District Court of Appeal of the State of Florida, Fourth District.

13. Pursuant to 11 U.S.C. § 362(d)(4)(B), the automatic bankruptcy stay set forth in 11 U.S.C. § 362(a) is modified so that, for the next two years from the date of this Order, no voluntary or involuntary petition filed under title 11 of the United States Code shall operate as a stay of any act against the Real Property located at 2753 N.W. 34th Street, Boca Raton, Florida 33434, the legal description of which is:

Lot 68, Block G, BOCA MEDERA UNIT 2, according the Plat thereof, recorded in Plat Book 32, Pages 59 through 60, of the Public Records of Palm Beach County, Florida.

14. The Secured Creditor may file a copy of this Order in the case styled *Sahm v. Bernstein Family Realty LLC*, Case No. 2018–CA–002317AXX pending in the Circuit Court for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

15. The Secured Creditor shall record a certified copy of this Order in the Official Records of Palm Beach County, Florida with respect to the Real Property.

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16. Notwithstanding Federal Rule of Bankruptcy Procedure 4001(a)(3), this Order shall be immediately effective.

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Submitted by:

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Bradley S. Shraiberg is directed to immediately serve a conformed copy of this Order and to file a Certificate of Service evidencing same.